

**CALENDAR ITEM
C12**

A 4

12/16/02

S 1

WP 4198

N. Lee

ISSUANCE OF GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Lake Point Beach Resort, LLC, A Nevada Limited Liability Company
P.O. Box 611
Crystal Bay, NV 89402

AREA, LAND TYPE, AND LOCATION:

0.083 acres, more or less, of sovereign lands in Lake Tahoe, near Kings Beach, Placer County.

AUTHORIZED USE:

Reconstruction, modification and extension of an existing pier, installation of a boatlift and retention of two existing mooring buoys.

LEASE TERM:

Ten years, beginning November 1, 2002.

CONSIDERATION:

\$423 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance: Combined single limit coverage of \$500,000.

Other:

The proposed lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

CALENDAR ITEM NO. **C12** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant does not qualify for a rent-free Recreational Pier Lease because the Applicant is not a natural person or is not a Homeowners Association consisting of natural persons. Therefore, the Applicant does not meet the qualifications pursuant to Public Resources Code section 6503.5. Lake Point Beach Resort, LLC, A Nevada Limited Liability Company, is now applying for a General Lease - Recreational Use.
2. **Pier and Boatlift:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905(b).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

3. **Buoys:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905(c)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

Buoys: Tahoe Regional Planning Agency.

EXHIBIT:

- A. Location and site map

CALENDAR ITEM NO. **C12** (CONT'D)

PERMIT STREAMLINING ACT DEADLINE:

February 4, 2003

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER AND BOATLIFT: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(b).

BUOYS: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO LAKE POINT BEACH RESORT, LLC, A NEVADA LIMITED LIABILITY COMPANY, OF A GENERAL LEASE – RECREATIONAL USE, BEGINNING NOVEMBER 1, 2002, FOR A TERM OF TEN YEARS, FOR RECONSTRUCTION, MODIFICATION AND EXTENSION OF AN EXISTING PIER, INSTALLATION OF A BOATLIFT AND RETENTION OF TWO EXISTING MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$423, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000.

CALENDAR ITEM NO. **C12** (CONT'D)

CALENDAR PAGE

MINUTE PAGE
